

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

MACK INDUSTRIES, LTD., *et al.*,  
Debtors.

Chapter 7

Case No. 17-09308 (CAD)  
(Jointly Administered)

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RONALD R. PETERSON, as chapter 7  
trustee for MACK INDUSTRIES, LTD.  
and RONALD R. PETERSON, as chapter 7  
trustee for OAK PARK AVENUE  
REALTY, LTD.,

Adv. Proceeding 19-00566

Plaintiffs,

v.

Frank LaScola, Kelly LaScola, and JFK&B  
Properties, LLC,

Defendants.

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**ANSWER TO AMENDED COMPLAINT**

Frank LaScola, Kelly LaScola, and JFK&B Properties, LLC, defendants in the above-captioned adversary proceeding (“Defendants”), respond to the Amended Complaint [D.I. 25] as follows:

1. Defendants admit the jurisdictional allegations designated in paragraphs 2–6 of the Amended Complaint.
2. Defendants deny the allegations designated in paragraph 13.
3. Defendants admit the following parts of certain designated allegations in the Amended Complaint and denies the rest:

- a. Paragraph 15: Defendants admit that they purchased multiple parcels of real estate.
- b. Paragraph 19: Defendants admit that on or around November 28, 2011, Frank and Kelly LaScola (the “LaScolas”) entered into a property management agreement with Mack Property Group, Ltd. (“Property Group”) for 3907 167th Place. Among other things, the agreement provided that for the first 24 months Property Group would have an exclusive right to manage the property and a right to a 5% commission in the event of a sale. In exchange for these rights, Property Group agreed to guarantee monthly rent of \$1,550 (less a property management fee) during the same period.
- c. Paragraph 23: Defendants admit that on or around January 29, 2013, the LaScolas entered into a property management agreement with Property Group for 20031 Orchard. Among other things, the agreement provided that for the first 24 months Property Group would have an exclusive right to manage the property and a right to a 5% commission in the event of a sale. In exchange for these rights, Property Group agreed to guarantee monthly rent of \$1,600 (less a property management fee) during the same period.
- d. Paragraph 25: Defendants admit that on or around January 1, 2012, the LaScolas entered into a property management agreement with Property Group for 16143 Oak and 20828 Hickory Creek.
- e. Paragraph 78: Defendants admit that the LaScolas or JFK & B Properties LLC owned each of the subject properties and contracted with Property Group.

f. Paragraph 105: Defendants admit that the LaScolas or JFK & B Properties LLC owned each of the subject properties and contracted with Property Group.

4. Defendants lack knowledge or information sufficient to form a belief about the truth of all other allegations in the Amended Complaint.

#### **AFFIRMATIVE DEFENSES**

Defendants hereby allege the following affirmative defenses to the Amended Complaint:

1. To the extent Defendants received a transfer, they took the transfer for value and in good faith, without knowledge of the voidability of such transfer.
2. The Amended Complaint alleges transfers that are barred by the statute of limitations.
3. The Debtors do not have an interest in any property that was transferred to Defendants.

Dated: March 8, 2021

Respectfully submitted,

**Frank LaScola, Kelly LaScola, and JFK&B Properties, LLC**

By: /s/ Zoran Balac  
Zoran Balac  
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**CERTIFICATE OF SERVICE**

I, Zoran Balac, the undersigned attorney, hereby certify that on March 8, 2021, I caused a copy of the foregoing *Answer to Amended Complaint* to be filed with the Court's electronic filing system and thereby electronically served copies of the same to all registrants receiving service via ECF, as shown in the Service List below.

**SERVICE LIST**

(SERVICE VIA ECF)

Ariane Holtschlag on behalf of Plaintiff Ronald R. Peterson, as Chapter 7 Trustee for Mack Industries, Ltd.

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Ariane Holtschlag on behalf of Plaintiff Ronald R. Peterson, as chapter 7 trustee for Oak Park Avenue Realty, Ltd.

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Jeffrey K. Paulsen on behalf of Plaintiff Ronald R. Peterson, as Chapter 7 Trustee for Mack Industries, Ltd.

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Jeffrey K. Paulsen on behalf of Plaintiff Ronald R. Peterson, as chapter 7 trustee for Oak Park Avenue Realty, Ltd.

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